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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,481	12/22/2003	Carlos M. Esquivia-Lee	CE11068JI220	7771

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MOTOROLA, INC
INTELLECTUAL PROPERTY SECTION
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EXAMINER

DABNEY, PHYLESHA LARVINIA

ART UNIT PAPER NUMBER

2615

DATE MAILED: 10/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary for Applications Under Accelerated Examination	Application No. 10/743,481	Applicant(s) ESQUIVIA-LEE ET AL.	
	Examiner Phylesha L. Dabney	Art Unit 2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
 Since this application has been granted special status under the accelerated examination program,
 NO extensions of time under 37 CFR 1.136(a) will be permitted and a **SHORTENED STATUTORY PERIOD FOR
 REPLY IS SET TO EXPIRE:**

ONE MONTH OR THIRTY (30) DAYS, WHICHEVER IS LONGER,
 FROM THE MAILING DATE OF THIS COMMUNICATION – if this is a non-final action or a *Quayle* action.
 (Examiner: For **FINAL** actions, please use PTOL-326.)

The objective of the accelerated examination program is to complete the examination of an application within twelve months from the filing date of the application. Any reply must be filed electronically via EFS-Web so that the papers will be expeditiously processed and considered. If the reply is not filed electronically via EFS-Web, the final disposition of the application may occur later than twelve months from the filing of the application.

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2003.
 2) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 3) ☒ Claim(s) 1-23 is/are pending in the application.
 3a) Of the above claim(s) _____ is/are withdrawn from consideration.
 4) ☐ Claim(s) _____ is/are allowed.
 5) ☒ Claim(s) 1-23 is/are rejected.
 6) ☐ Claim(s) _____ is/are objected to.
 7) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 8) ☐ The specification is objected to by the Examiner.
 9) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 10) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 11) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____. | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) <input type="checkbox"/> Notice of Informal Patent Application
6) <input type="checkbox"/> Other: _____. |
|--|--|

DETAILED ACTION

This action is in response to the application filed on 22 December 2003 in which claims 1-2 are pending.

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because reference numerals/characters are not legible, figure lines are not legible, individual components of the figures are not easily distinguishable, as well as, inappropriate shading in areas of the figures. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. Figure 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "stake member" of claim 8,

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“high/low audio speakers” of claim 10 must be **clearly shown if at all present** or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims **1-23** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01.

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With respect to these claims, it is extremely unclear what the omitted structural cooperative relationships are between the claimed elements.

Claim 8 recites the limitation "one of" housing portion in line 1. There is insufficient antecedent basis for this limitation in the claim. Further note, claim 12 supports the inclusion of two housing portions.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-9 and 12-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Fuhrmann et al (U.S. Patent No. 6,978,123 B1).

Regarding claim 1, Fuhrmann teaches an electronic communication device, comprising: a housing portion (14) for the device including a window opening (15) for a display screen (9);

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opposite outer and inner surfaces of the housing portion; and at least one audio channel (16) formed along the inner surface of the housing portion allowing the outer surface to be maximized in size for receipt of graphics thereon.

Regarding claim 2, Fuhrmann teaches the device of claim 1 wherein the outer surface includes surface portions (Fig. 1, 14) on opposite sides of the window (9) on which graphics can be received.

Regarding claim 3, Fuhrmann teaches the device of claim 1 including a lens member (15) sized to be slightly larger than the window (9) to be mounted thereover.

Regarding claim 4, Fuhrmann teaches the device of claim 3 wherein the lens member (15) is mounted to the housing portion (14) along the outer surface thereof so that the audio channel (16) is formed independent of the lens member.

Regarding claim 5, Fuhrmann teaches the device of claim 1 wherein the at least one audio channel (16) comprises multiple audio channels (fig. 1, 16, openings), and an audio cover member (2, 3, 10) mounted to the inner surface of the housing portion and cooperating therewith to form the audio channels.

Regarding claim 6, Fuhrmann teaches the device of claim 5 wherein the audio cover member (2, 3, 10) includes recesses formed therein for the audio channels.

Regarding claim 7, Fuhrmann teaches the device of claim 5 wherein the housing portion (14) and audio cover member (2, 3, 10) include snap fit structure (11, 12, 12') therebetween for cooperating to secure the audio cover member to the housing portion.

Regarding claim 8, Fuhrmann teaches the device of claim 5 wherein the housing portion (14) and the audio cover member (2, 3, 10) include heat stake members for welding (fig.3 illustrates perpendicular pins) the audio cover member to the housing portion.

Regarding claim 9, Fuhrmann teaches the device of claim 1 wherein the housing portion (14) includes a plurality of through openings (7') for receipt of keys of a keypad for the device projecting therethrough.

Regarding claim 12, Fuhrmann teaches the device of claim 1 wherein the housing portion comprises a first housing portion (14), and a second housing portion (2, 3) for being connected to the first housing portion to form an internal space of the device in which the audio channel is formed.

Regarding claim 13, Fuhrmann teaches an electronic communication device comprising: a housing (14) for containing communication circuitry and having an external surface and internal surfaces; a window opening (15) in the housing; a display screen (9) aligned with the window opening and connected to the circuitry to display information for viewing by a user; a

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speaker (10) in the housing connected to the circuitry for emitting sound based on audio signals from another communication device; at least one audio channel (16) for routing sound from the speaker in a predetermined pathway; and a lens member (15) of transparent material having predetermined dimensions that are kept to a minimum to be slightly larger than that of the window opening for being fixed to the housing external surface about the window opening covering the display screen and maximizing surface area on the housing external surface for receipt of graphics.

Regarding claim 14, Fuhrmann teaches the electronic communication device of claim 13 wherein the audio channel (16) is formed in the housing along one of the internal surfaces thereof leaving the housing external surface substantially free of audio channels.

Regarding claim 15, Fuhrmann teaches the electronic communication device of claim 13 wherein the lens member (15) is independent of the audio channel (16) so that integrity of connection of the lens member to the housing does not affect audio quality from the speaker to the user.

Regarding claim 16, Fuhrmann teaches the electronic communication device of claim 15 wherein the audio channel (16) is in the housing extending along one of the internal surfaces thereof.

Regarding claim 17, Fuhrmann teaches the electronic communication device of claim 13

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including an audio cover member (2, 3, 10) for being connected in the housing cooperating to form the audio channel in the housing.

Regarding claim 18, Fuhrmann teaches the electronic communication device of claim 17 wherein the audio cover member (2, 3, 10) includes a recess that cooperates with one of the housing internal surfaces to form the audio channel (16).

Regarding claim 19, Fuhrmann teaches an electronic communication device comprising: a bezel housing portion (14) for the device including a window opening (14-15) for a display screen (19); external and internal surfaces of the bezel housing portion (fig. 3, 14); and an audio cover member (2, 3, 10) having audio channels for being attached to the internal surface of the bezel housing portion to keep the external surface substantially free of audio channels and to allow the bezel housing portion to stay substantially the same and have different audio channeling based on the audio channels included on the cover member (2, 3, 10, 16) attached thereto.

Regarding claim 20, Fuhrmann teaches the electronic communication device of claim 19 including a lens member (15) having a predetermined size that is kept to a minimum to fit over the window opening for covering the display screen (9).

Regarding claim 21, Fuhrmann teaches the electronic communication device of claim 19 including a lens member (15) fixed to the external surface of the bezel housing portion (14) to

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cover the display screen (9) with the audio channels (16) formed independent of the lens member.

Regarding claim 22, Fuhrmann teaches the electronic communication device of claim 19 including a speaker, the bezel housing portion (14) includes a through aperture generally aligned with the speaker (10), the audio cover member (2, 3, 10) includes a through port for being aligned between the speaker and housing portion (14) through aperture, and the channels include recesses formed in the audio cover member (2, 3, 10) for releasing excessive sound pressure.

Regarding claim 23, Fuhrmann teaches the electronic communication device of claim 22 wherein the audio cover member (2, 3, 10) includes seals extending about the port and recesses with portions of the recesses unsealed for sound pressure release therefrom.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fuhrmann.

Regarding claims 10-11, Fuhrmann teaches the device of claim 1 including audio speakers (7, 10; col. 1 lines 62-64 and col. 3 lines 13-22).

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Fuhrmann fails to specifically teach the speakers being low and high wherein the audio channel is associated with the low audio speaker.

However, the Examiner takes official notice that it is known to provide the low speaker at the audio channel in a mobile telephone to prevent hearing impairment to the user when the phone is held close to the hear and increase privacy, as well as, to provide a high speaker for allowing the user to hearing audible sound (voice) from a distance.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a low and high speaker in the manner disclosed in the invention of Fuhrmann for the reasons stated.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phylesha L. Dabney whose telephone number is 571-272-7494. The examiner can normally be reached on Mondays, Tuesdays, Wednesdays, Fridays 8:30-4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any response to this action should be mailed to:
Commissioner of Patents and Trademarks
P O Box 1450
Alexandria, VA 22313-1450

Or faxed to:
(703) 273-8300, for formal communications intended for entry and for informal or draft communications, please label "Proposed" or "Draft" when submitting an informal amendment.

Hand-delivered responses should be brought to:
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Alexandria, VA 22314

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September 18, 2006


PLD


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